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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/495,622

02/01/2000

Richard Leinfellner

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05/17/2006

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EXAMINER

VAUGHN, GREGORY J

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

09/495,622

Examiner

Gregory J. Vaughn

Applicant(s)

LEINFELLNER ET AL.

Art Unit

2178

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 18 April 2005 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: Appellant's amendments to the claims, as described in the response filed 4/18/2005 is entered into the record. The amendment of 4/18/2005 cancels claim 8.

Applicant is also notified that the Board of Patent Appeals and Interferences (BPAI) has remanded the case back to the examiner in order to make the appeal ready for docketing as an appeal. The PBAI remand, mailed 5/4/06, requires the examiner to notify appellant to file a supplemental Appeal Brief in compliance with 37 CFR 41.37 to include all required headings.

The remand also instructs the examiner to issue a response as to the status of the after final amendment filed 4/18/2005 (which has been entered - as described above), and to have the various documents related to these activities entered (scanned) into the official record, and to allow for such further action as may be appropriate.



STEPHEN HONG
SUPERVISORY PATENT EXAMINER